

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

KENNETH G. MIDDLETON,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD73290

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 18, 2011

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Edith L. Messina, Judge

JUDGES

Division Four: Hardwick, C.J., Pfeiffer, J., and Mesle, Sp.J.

CONCURRING.

ATTORNEYS

Kent E. Gipson
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Attorney for Appellant,

Chris Koster, Attorney General
Shaun J. Mackelprang, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

KENNETH G. MIDDLETON,)
)
 Appellant,)
v.) **OPINION FILED:**
) **October 18, 2011**
STATE OF MISSOURI,)
)
 Respondent.)

WD73290

Jackson County

Before Division IV Judges: Lisa White Hardwick, Chief Judge, Presiding,
Mark D. Pfeiffer, Judge, and Ann Mesle, Special Judge

Kenneth G. Middleton appeals from the trial court's Order denying his second motion to reopen post-conviction proceedings, based on abandonment of counsel.

APPEAL DISMISSED.

Division Four holds:

Neither the trial court's Order nor the docket entry recording the denial of Middleton's Motion satisfies all of the requirements of Rule 74.01(a). In order to be final, a judgment must be: (1) in writing; (2) signed by the judge; (3) denominated "judgment"; and (4) filed. The motion court's Order is denominated "Order" and not "Judgment." The docket entry refers to the Order as such and does not record a separate document in which the motion court entered a judgment. Thus, Middleton is attempting to appeal from the denial of a motion rather than from a judgment. Accordingly, we do not have jurisdiction over this appeal.

Opinion by: Mark D. Pfeiffer, Judge

October 18, 2011

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.